

Effective 3/17/2016

20A-11-206 State office candidate -- Failure to file reports -- Penalties.

- (1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:
 - (a) that the state office candidate failed to timely file the report; and
 - (b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.
- (3)
 - (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the report.
 - (b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.
- (4)
 - (a) If a state office candidate is disqualified under Subsection (3)(a), the election official shall:
 - (i) remove the state office candidate's name from the ballot; or
 - (ii) if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.
 - (b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to an absentee voter, including a military or overseas absentee voter, by including with the absentee ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- (5) A state office candidate is not disqualified if:
 - (a) the state office candidate timely files the reports described in Subsections 20A-11-204(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;
 - (b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.
- (6)
 - (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
 - (i) each state office candidate that is required to file a summary report has filed one; and
 - (ii) each summary report contains the information required by this part.
 - (b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c)

- (i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).
- (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (6)(c)(i).

Amended by Chapter 16, 2016 General Session